



STATE OF MAINE  
DEPARTMENT OF ENVIRONMENTAL PROTECTION

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PAUL R. LEPAGE  
GOVERNOR

PATRICIA W. AHO  
COMMISSIONER

Memorandum

To: Board of Environmental Protection  
From: Cynthia Bertocci, Executive Analyst  
Date: October 4, 2012  
Re: Amendment to Chapter 2 Rules Concerning the Processing of Applications and Other Administrative Matters, Definition of "Aggrieved Person"

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Background:

Resolve 2011, chapter 144 (LD 1647) directed the Board of Environmental Protection to adopt rules to conform the standards for standing to appeal a decision to the Board to the judicial standards for standing to appeal a decision of the Board to court. The rule is a major substantive rule subject to review and approval of the Legislature. A copy of Chapter 144 is attached.

Proposed Rule:

Under the Department's rules, an "aggrieved person" may appeal to the Board for review of a Commissioner's licensing decision, and any person filing an appeal with the Board is required to demonstrate standing as an aggrieved person. If the Chair determines that the person filing an appeal is not an aggrieved person, the Chair may dismiss the appeal. The proposed amendment, drafted in consultation with the Office of the Attorney General, further defines the term "aggrieved person."

Requested Action:

The Board is being asked to post the proposed rule for a public hearing on November 1, 2012, with a suggested comment deadline of November 13, 2012.

Estimated time of agenda item: 10 minutes

